

**Cour
Pénale
Internationale**



**International
Criminal
Court**

Original: English

No.: ICC-02/05-03/09
Date: 26 October 2026

TRIAL CHAMBER IV

Before: Judge Kimberly Prost, Presiding Judge
Judge Keebong Paek
Judge Nicolas Guillou

SITUATION IN DARFUR, SUDAN

***IN THE CASE OF THE PROSECUTOR
v. ABDALLAH BANDA ABAKAER NOURAIN***

Public

**Public redacted version of “Prosecution’s Status Report on arrangements for the execution of Second Decision on the Prosecutor’s Application under Article 58”,
ICC-02/05-03/09-26-US, dated 12 February 2010**

Source: Office of the Prosecutor

Document to be notified in accordance with regulation 31 of the *Regulations of the Court* to:

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☒ Counsel for the Defence

☒ Legal Representatives of the Victims

☐ Legal Representatives of the Applicants

☐ Unrepresented Victims

☐ Unrepresented Applicants
(Participation/Reparation)

☐ The Office of Public Counsel for Victims

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☐ States' Representatives

☐ Amicus Curiae

REGISTRY

Registrar

Oswaldo Zavala Giler

☐ Counsel Support Section

☐ Victims and Witnesses Unit

☐ Detention Section

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Reparations Section

☐ Other

Background

1. On 27 August 2009, the Single Judge issued summonses in respect of Abdallah Banda and Saleh Jerbo to appear before the Court on 17 November 2009.¹
2. On 23 October 2009, the Registrar filed the “Report of the Registrar on Execution of Second Decision on the Prosecutor’s Application under Article 58 (the “Report”).²
3. On 26 October 2009, the Prosecution filed its “Prosecution’s Response to the Report of the Registrar on the execution of Second Decision on the Prosecutor’s Application under Article 58”³ (“26 October Filing”).
4. On 4 November 2009, the Single Judge issued “Decision Scheduling a Hearing on 9 November 2009”⁴, in order “*to discuss the respective arrangements which might be put in place by the Registrar and the Prosecutor for the purposes of such implementation*”⁵.
5. On 9 November 2009, the Prosecution filed its “Prosecution’s Status report on arrangements made for the execution of Second Decision on the Prosecutor’s Application under Article 58”⁶ in order to update both the Chamber and the Registry on the current arrangements being made to facilitate the initial appearance of the two suspects.

¹ ICC-02/05-03/09-2-US and ICC-02/05-03/09-3-US

² ICC-02/05-03/09-6-US

³ ICC-02/05-03/09-7-US

⁴ ICC-02/05-03/09-8-US

⁵ ICC-02/05-03/09-8-US at page 5

⁶ ICC-02/05-03/09-9-US

6. During the hearing of 9 November 2009, the Prosecution informed the Chamber that it planned to travel to [REDACTED] to secure more information on the organization of the voluntary appearance of the two named individuals.
7. On 23 December 2009, 5 January, 11 January and 19 January 2010, respectively, the Prosecution filed updates on the current arrangements being made to facilitate the initial appearance of the two suspects.⁷
8. On 22 January, the Registry filed an Information report on the execution of Second Decision on the Prosecutor's application under Article 58.⁸ On 25 January, Pre-Trial Chamber I issued a decision, requesting the Prosecutor to submit observations on the Registrar's Information report by January 26 at 12.00. On 26 January, the Prosecution filed its update, including observations on the Registrar's report, and promised an additional update on 29 January.
9. On 29 January, the Prosecution filed an update, requesting a postponement of the 3 February initial appearance date because of difficulties the two individuals summoned to appear have been experiencing in travelling out of Darfur. The Prosecution informed the Registry of the situation and the anticipated filing by a phone conversation on 28 January [REDACTED]. The Registry also submitted an update on 29 January.
10. The Chamber issued a decision on 1 February, cancelling the 3 February initial appearance and scheduling an ex parte hearing for 3 February with the Prosecution and the Registry to discuss the situation. At the conclusion of the hearing, the Chamber requested a final status report from the Office of the Prosecutor no later than 12.00 on 12 February, with an updating on the

⁷ ICC-02/05-03/09-12-US; ICC-02/05-03/09-13-US; ICC-02/05-03/09-14-US; ICC-02/05-03/09-15-US.

⁸ ICC-02/05-03/09-16-US-Exp 22-01-2010

arrangements and logistics, in order to allow the Chamber to set the date of the first appearance.

11. The following comprises the Prosecution's report on the situation of the two individuals subject to summonses to appear before the Court.

Current Status of Arrangements for the Implementation of the Chamber's Decision

a) Saleh Jerbo

12. The Prosecution submitted a profile of Saleh Jerbo to the Registry, [REDACTED], on 20 January. Saleh Jerbo was a commander and the director of operations with SLA/Unity, before switching to JEM in April 2009. He was born in Shegag Karo village, North Darfur, and is a member of the Zaghawa tribe and speaks Zaghawa and some Arabic. He has reportedly had no formal education, but has had some formal military training in Chad. [REDACTED].

13. [REDACTED].

14. [REDACTED].

15. [REDACTED].

16. At present, it appears that Jerbo should be in possession of valid travel documents, the details of which are not yet in the possession of the OTP.

17. The intermediary has been in contact with the counsel appointed by the Registry and will endeavor to keep the counsel informed about Jerbo's

movements, to facilitate a meeting between Jerbo and the counsel as soon as possible.

b) Abdallah Banda

18. The Prosecution submitted a profile of Abdallah Banda to the Registry, [REDACTED], on 20 January. Abdallah Banda was JEM's commander in chief, before joining Bahar Idriss Abu Garda in JEM-Collective Leadership, then the United Resistance Front (URF), when it was formed. He serves in the URF as Deputy Chairman and general supervisor of military operations. He was born in Wai in Dar Kobe. He is from the Zaghawa tribe and speaks Zaghawa and Arabic. Some have suggested he speaks English, but his intermediary indicates that he does not. He has reportedly had no formal education, nor any formal military training. [REDACTED].

19. [REDACTED].

20. The intermediary indicated that he continues to be in contact with the counsel appointed by the Registry.

21. [REDACTED].

22. [REDACTED].

23. Banda has summarized the above in a letter to the Prosecution and his defence counsel which is attached (Annex 2).

Accompanying persons

24. [REDACTED].

25. [REDACTED].

26. [REDACTED].

Cooperation of third parties

27. [REDACTED].

28. [REDACTED].

29. [REDACTED].

Conclusion

30. During their meetings with the Prosecution the intermediaries of Saleh Jerbo and Abdallah Banda reiterated their willingness to appear before the Court and their logistic difficulties to travel to The Hague. The Prosecution remains convinced of their willingness to appear before the Court.

31. The Prosecution recalls that at the conclusion of the 3 February hearing, the Chamber indicated that following this 12 February report, it would be in a position to decide and to set for the last time a date for the first appearance of the two suspects or to start analyzing the requests with a view to see whether the requirements of Article 58 of the Statute are present for the issuance of warrants of arrest. The Prosecution is of the view that the issuance of a warrant of arrest at this stage for the two suspects would be premature and is not necessary to ensure appearance. It would not assist overcoming any of the obstacles referred to above.

32. In light of the difficulties that both Saleh Jerbo and Abdallah Banda are having in leaving Darfur, the Prosecution appreciates the Chamber's 1 February decision to postpone the scheduled initial appearance of both individuals. The Prosecution believes that with additional time, the logistical obstacles hampering the suspects from appearing before the Court will be surmounted. The Prosecution regrets to be unable to inform the Chamber as to when the individuals might be able to appear.

33. At the Chamber's leave, the Prosecution will provide any additional information that can assist in the appearance of the two suspects.

A handwritten signature in black ink, appearing to read 'Mandiaye Niang', with a large, stylized flourish on the left side.

Mame Mandiaye Niang, Acting Prosecutor

Dated this 26th day of October 2026

At The Hague, The Netherlands